

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	) )	MDL NO. 1456 Civil Action No. 01-12257-PBS Subcategory No. 03-10643-PBS
THIS DOCUMENT RELATES TO:  <i>The City of New York, et al. v. Abbott Laboratories, Inc., et al.</i>	) ) )	Judge Patti B. Saris

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF PLAINTIFFS' CLAIMS  
AGAINST DEFENDANT MERCK, SHARP & DOHME CORP. (F/K/A MERCK & CO., INC.)**

IT IS HEREBY STIPULATED AND AGREED, by and between plaintiffs, the Consolidated New York Counties, and defendant Merck, Sharp & Dohme Corp. (f/k/a Merck & Co., Inc.) (hereinafter the "Settling Defendant"), by and through their respective attorneys, pursuant to Fed. R. Civ. P. 41 and the terms of the Settlement Agreement between the Consolidated New York Counties and the Settling Defendant, that all claims in this action against the Settling Defendant are dismissed with prejudice and without costs to any party.

Dated: November 22, 2011

Respectfully submitted,

By: /s/ Joanne M. Cicala  
Joanne M. Cicala  
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*On Behalf of Plaintiffs the Consolidated New York  
Counties*

By: /s/ Robert Reznick  
Robert Reznick  
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*On Behalf of Merck, Sharp & Dohme Corp. (f/k/a  
Merck & Co., Inc.)*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 22, 2011, I caused a true and correct copy of the foregoing, Notice of Voluntary Dismissal With Prejudice of Plaintiffs' Claims Against Defendant Merck, Sharp & Dohme Corp. (f/k/a Merck & Co., Inc.), to be served on counsel of record for each party through the Court's Electronic Case Filing System and via LexisNexis File & Serve.

/s/ James Carroll  
KIRBY McINERNEY LLP